

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

RICKEY WHITE

PLAINTIFF

V.

CASE NO.: 5:15-CV-05134

**ANITA TRAMMEL, Warden,
Oklahoma State Penetentiary**

DEFENDANT

ORDER

On July 13, 2015, the Honorable Erin L. Setser, United States Magistrate Judge for the Western District of Arkansas, submitted a Report and Recommendation ("R & R") (Doc. 12) concerning Plaintiff Rickey White's 28 U.S.C. § 2254 Motion (Doc. 1). The Court undertook a *de novo* review of the record in light of White's objections to the R & R (Docs. 13, 14, 15).

White was convicted in Choctaw County, Oklahoma, of first-degree murder and was sentenced in February 1981 to life imprisonment. White now asserts various grounds for relief from his conviction. He is currently in custody in the Oklahoma Department of Correction. In reviewing White's objections to the R & R, he repeatedly asserts his belief that no Oklahoma court should have jurisdiction over his habeas case due to alleged bias, prejudice, and extensive publicity associated with his underlying conviction. None of these reasons trump the clear rule that a § 2254 petition may only be filed in the federal district where the defendant's State court conviction and sentence were carried out or in the federal district where the defendant is in custody. 28 U.S.C. § 2241(d). White was convicted in Oklahoma and is incarcerated in Oklahoma. Accordingly, his objections to the

R & R are without merit and are overruled. This Court lacks jurisdiction to hear his habeas petition.

IT IS THEREFORE ORDERED that the R & R (Doc. 12) is **ADOPTED IN ITS ENTIRETY**, and the Court in its discretion hereby **TRANSFERS** this case to the Eastern District of Oklahoma.

IT IS SO ORDERED on this 5th day of October, 2015.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE